

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SAFARI HEALTHCARE ASSSOCIATE LLC,

Plaintiff,

v.

No. 2:25-cv-00062-DHU-KRS

BEECAN HEALTH LLC and
CALIBRE POST ACUTE LLC,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This case arises from a breach of contract between Plaintiff and Defendants. *See* Complaint at 14-15, Doc. 1, filed January 22, 2025 (the “Contract Agreement” attached to the Complaint indicates the agreement is between Calibre Post-Acute and Safari Healthcare Associates). “Plaintiff SAFARI HEALTHCARE ASSOCIATE is a corporation established in New Mexico.” Complaint at 2, ¶ 8. The Complaint was filed by Nelson Kap-kirwok “Pro se for Plaintiff Safari Healthcare Associate.” Complaint at 1.

United States Magistrate Judge Kevin R. Sweazea notified Plaintiff that Rule 83.7 of the District of New Mexico’s Local Rules of Civil Procedure requires that “A corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court” and that “Mr. Kap-kirwok is not an attorney authorized to practice before this Court.” Order, Doc. 5, filed January 27, 2025. Judge Sweazea ordered Plaintiff to have an attorney authorized to practice in this Court enter an appearance to participate in this case on behalf of Plaintiff and notified Plaintiff that failure to timely comply with this Order may result in dismissal of this case. *See* Order at 1. Plaintiff did not have an attorney authorized to practice in this Court enter an appearance by the February 17, 2025, deadline. Consequently, the Court

dismisses this case without prejudice. The Court also denies Mr. Kap-kirwok's Application to proceed *in forma pauperis* because Mr. Kap-kirwok is not a party to this case.

IT IS ORDERED that:

- (i) This case is **DISMISSED without prejudice.**
- (ii) Mr. Kap-kirwok's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 2, filed January 22, 2025, is **DENIED.**



HONORABLE DAVID H. URIAS
UNITED STATES DISTRICT JUDGE